

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE UNITED STATES OF AMERICA**

**vs.**

**CASE NOS: 3:99-CR-00161-005 (DRD)  
3:99-CR-00308-002(DRD)**

**ROBERTO LOPEZ-MORALES**

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**MOTION IN RESPONSE TO COURT ORDER DATED AUGUST 24, 2008**

**TO THE HONORABLE DANIEL R. DOMINGUEZ  
UNITED STATES DISTRICT JUDGE  
DISTRICT OF PUERTO RICO:**

**COMES NOW, Benjamín Bonilla-López, United States Probation Officer** of this Honorable Court respectfully informs and prays the following:

1) On December 20, 2001, the offender was sentenced by Your Honor, to an eighty seven (87) month imprisonment term, as to each count in both criminal cases to be served concurrently with each other. A five (5) year term of supervised release was also ordered as to each count to be served concurrently with each other, after he was convicted of violating Title 21, United States Code, § 846. Mr. López-Morales was further ordered to submit to urinalyses. He was released on March 18, 2005, at which time the supervision term began.

2) Mr. López-Morales has completed forty (40) out of the sixty (60) months of his supervision term. All drug testing conducted to Mr. López-Morales have yielded negative results to illegal drug use. On February 24, 2003, the imposed special monetary assessment was paid in full. Our records reflect that DNA is still pending and will be collected according to the office schedule.

3) Although Mr. López-Morales could be granted early termination pursuant to Title 18, United States Code, § 3564 (c) & 3583 (e)(1), it is important to point out that since sentencing he has benefitted from this Court's leniency by receiving a sentence below the lower end of the guidelines.

4) On November 7, 2007, Mr. López-Morales' bought a piece of land in the town of Isabela, Puerto Rico, in the amount of sixty thousand (60,000) dollars. At the time of the signing of the contract Mr. López-Morales' provided thirty seven thousand and five hundred (37,500) dollars to the seller of the property. According to the transaction document he had already provided the amount of twenty two thousands and five hundred (22,500) dollars as a down payment to that same person. Mr. López-Morales' didn't report this transaction to this officer until his January of 2008 Monthly Supervision Report. This officer interviewed him on December 14 and 18, 2008, and he never mentioned anything about the piece of land nor the proceeds of the funds utilized to buy such property. Mr. López-Morales' sold the property on April 17, 2008, in the amount of eighty six thousand (86,000) dollars and did not reported the same until his May monthly report.

5) Moreover, Mr. López-Morales' employment during his time of supervision has not been stable nor verifiable. He assured that he personally handles his finances rather than to deposit them in bank accounts. He has been requested in numerous occasions a complete discovery of all of his monetary funds, however he has never provided the same. In addition, he opened a bank account with the proceeds from the piece of land that he sold but still has not provided a copy of that bank statement, as requested by this officer. All this represents a complete disregard of the Financial Disclosure condition imposed by Your Honor at the time of the sentence.

6) Lastly, this officer has contacted Mr. Lopez in numerous occasions in the town of Aguadilla and at different times and days; not once this officer has found Mr. Lopez-Morales' working in any of the work ventures that he reports.

7) Therefore, the United States Probation Office feel that the goals, set for this particular offender, still have not been fully attained and as a result early termination is not recommended at this time. We feel like there are too many uncertainties on Mr. Lopez-Morales' finances and the proceeds of his earnings and at this time we would not feel comfortable recommending his early termination from supervision.

**WHEREFORE**, after having considered all presented facts in this case, it is our office recommendation that early termination, not be granted.

In San Juan, Puerto Rico, this 28<sup>th</sup> day of August 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

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CERTIFICATE OF SERVICE

I HEREBY certify that on August 28, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following Jose Ruiz, Assistant U.S. Attorney, and Joseph Laws, United States Federal Public Defender.

In San Juan, Puerto Rico, this 28<sup>th</sup> day of August 2008.

s/Benjamin Bonilla  
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